

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEPHEN KNIGHT LEWIS,

Plaintiff,

V.

COUNSELOR SIDNEY CLARKE, *et al.*,

Defendants.

No. C08-5523 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION GRANTING
DEFENDANTS STATE OF
WASHINGTON AND PIERCE
COUNTY'S MOTION TO DISMISS

The Magistrate Judge recommends that the motion to dismiss this civil rights action as to Defendants Pierce County and the State of Washington be granted. Plaintiff has filed objections to the Report and Recommendation. This Court is not persuaded by these objections. As detailed by the Magistrate Judge, the State is entitled to Eleventh Amendment immunity from suit. Additionally, Plaintiff has failed to state a claim against the County and State of Washington. See Russell v. Gregoire, 124 F.3d 1079, 1093-94 (9th Cir. 1997); In re Meyer, 142 Wn.2d 608, 623-24 (2001).

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation;

ORDER ADOPTING REPORT AND RECOMMENDATION- 1

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2 (2) The State of Washington Department of Corrections, and Pierce County are

3 dismissed from this action. All claims except the claim that Sidney Clark provided

4 "erroneous information" to the End of Sentence Review Committee and Pierce

5 County are **DISMISSED**.

6 (3) The Clerk is directed to send copies of this Order to Plaintiff, and to the Hon. J.

7 Richard Creatura.

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9 DATED this 20th day of May, 2009.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE